

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-654

Appellant(s): Steven MacLeay

vz.

Appellee(s): City/Town of Monterey
Donald Torrico

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 115.5, for 188 Hupi road, Monterey, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on October 28, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Donald Torrico and others were present as indicated on the sign-in sheet which is on file at the Department of Public Safety.

Discussion

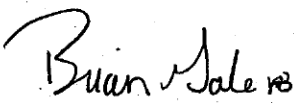
A motion was made to grant the Appellant's request for a variance from 780 CMR 115.5, and direct the building official to conduct the final inspection of the roof insulation system and approve the P2000 system as installed, even though it may not meet Chapter 34 and 36 requirements for R-value. It was noted that the appellant did not act in a fraudulent manner in this case and the Board indicated instead that it appears the manufacturer has misrepresented the product performance. The Board also noted that the Staff of the Board of Building Regulations and Standards should issue an memo to building officials with instructions to not grant permits for installation of this product until further notice. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR 115.5, is hereby granted and so ordered² on this date: October 28, 2008.



Douglas Sample



Brian Gale



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.